



**UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
08/760,705	12/05/96	NAKAMICHI	N M1653-109

MORRISON LAW FIRM
145 NORTH FIFTH AVENUE
MOUNT VERNON NY 10550

LM11/1218

EXAMINER

CAO, A

ART UNIT

PAPER NUMBER

2754

DATE MAILED: 12/18/97

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
08/760,706

Applicant(s)
Nakamichi et al

Examiner
Allen Cao

Group Art Unit
2512



☒ Responsive to communication(s) filed on Jun 6, 1997

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire three month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-3, 5-7, and 10-119 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1-3, 5-7, and 10-119 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☐ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 13

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

Art Unit: 2754

1. The reissue oath or declaration filed with this application is defective because it fails to particularly specify the errors relied upon, as required under 37 C.F.R. § 1.175(a)(5).

Every departure from the original patent represents an "error" in said original patent under 35 U.S.C. 251 and must be particularly and distinctly specified and supported in the reissue oath or declaration under 37 CAR 1.175.

Applicant newly presented claims 12-21 are replete with changes which are not particularly and distinctly specified and supported in the reissue oath or declaration.

For example:

a) New added claim 10, lines 10-11 and 14-18, "... parallel to a primary plane along a first straight line path ...", "... patly outside ...", "... plane to bring said selected one of said ..., despite a displacement of said one of said magazine and said transport plane?;

b) New claims 10-119;

c) Claim 43 do not include "disk conveying means" or "disk reading position";

d) A clause reciting "means for moving said disk from said first position to said disk reader" has not been added to claim 32;

2. Claims 1-3, 5-7, 10-119 (conflicted against claims 27-44 which have been examined), and 27-44 are rejected as being based upon a defective reissue Declaration under 35 U.S.C. § 251.

See 37 C.F.R. § 1.175.

Art Unit: 2754

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

4. Claims 1, 27-36 and 43-44 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Kawakami (US. 4,567,584).

5. This is a follow up of the communication mailed on 12/6/97.

6. This is a Non-Final Office Action.

Important Notice

7. Effective November 16, 1997, the Examiner handling this application was assigned to a new Art Unit as a result of the consolidation into Technology Center 2700. See the Official Gazette notice dated November 11, 1997. For any written or facsimile communication submitted **ON OR AFTER** November 16, 1997, this Examiner, who was assigned to Art Unit **2512**, is now assigned to Art Unit **2754**. Please include the new Art Unit in the caption or heading of any communication submitted after the November 16, 1997 date. Your cooperation in this matter will assist in the timely processing of the submission and is appreciated by the Office.

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8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Allen Cao whose telephone number is (703) 305-3796.



Allen Cao
Patent Examiner
Art unit 2754

AC
December 16, 1997